IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 22858 of 2005

Between:

Gosika Balaiah

..... PETITIONER

AND

The District Collector,

Nizamabad District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the impugned order dated 19.10.2005 passed by the 2nd respondent in rejecting the objection and accepting the nomination of the 3rd respondent as valid for the post of the Director to Ward No.10 (ST General) of Velpur PACCS of Velpur Mandal, Nizamabad District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Cooperation appearing for the 1st and 2nd respondents.

It is stated that the 3rd respondent by producing false and fabricated ST certificate, filed nomination and the same was accepted by the 2nd respondent though an objection raised by the petitioner. It is contended by the petitioner that as per Voters List of PACS, Velpur, T.C.No.13, at serial No.946, entry No.2273, it is described as one Tenugu Sunkari Ashok, S/o.Gangadhar, who is the 3rd respondent herein, belongs to Backward Community, and therefore, the acceptance of nomination of the 3rd respondent as a ST candidate is illegal.

The learned Government Pleader for Cooperation contended that in fact the 3rd respondent filed a Caste Certificate issued by the Mandal Revenue Officer, Velpur, dated 18.10.2005 stating that the

3rd respondent belongs to “Naikpod” of ST community. He further contended that in the Voters list, the caste of the 3rd respondent is wrongly noted as BC instead of ST.

Whether the caste certificate issued by the Mandal Revenue Officer, Velpoor vide his proceedings No.3/3222/2005, dated 18.10.2005 stating that the 3rd respondent belongs to ST, is genuine or not, and whether the 3rd respondent belongs to ST or BC, are to be enquired, and all these disputed facts cannot be decided by this Court by invoking jurisdiction under Article 226 of the Constitution of India. In that view of the matter, the writ petition cannot be entertained and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioner to file an Election Petition, raising all his contentions, in an appropriate Court of law, if he is so advised. No order as to costs.

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V.ESWARAIAH,J

Dated: 25.10.2005

Dsr